

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

VICTOR RUIZ,

Plaintiff,

v.

ALVIN KACIN, *et al.*,

Defendants.

Case No.: 3:23-CV-00296-RCJ-CSD

ORDER ADOPTING AND ACCEPTING  
REPORT AND RECOMMENDATION OF  
UNITED STATES MAGISTRATE JUDGE  
(ECF NO. 9)

Before the Court is the Report and Recommendation of United States Magistrate Judge Craig S. Denney, (ECF No. 9<sup>1</sup>) entered on October 20, 2023, recommending that the Court grant Ruiz's application to proceed *in forma pauperis* (ECF No. 8), deny as moot his first Application to Proceed *in forma pauperis* (ECF No. 6), file his complaint (ECF No. 1-1), and dismiss with prejudice this action for failure to state a claim. No objection to the Report and Recommendation has been filed.

This action was referred to Magistrate Judge Denney under 28 U.S.C. § 636(b)(1)(B) and Local Rule IB 1-4 of the Rules of Practice of the United States District Court for the District of Nevada.

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<sup>1</sup> Refers to Court's docket number.

1 The Court has considered the pleadings and memoranda of the parties and other relevant  
2 matters of record pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule IB 3-2.

3 **IT IS HEREBY ORDERED** that Magistrate Judge Denney's Report and  
4 Recommendation (ECF No. 9) is **ADOPTED and ACCEPTED**.  
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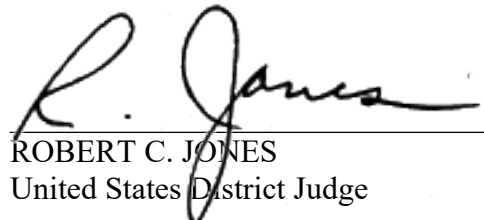
6 **IT IS FURTHER ORDERED** that the Application to Proceed *in forma pauperis* (ECF  
7 No. 8) is **GRANTED** and the first Application to Proceed *in forma pauperis* (ECF No. 6) is  
8 **DENIED AS MOOT**. Plaintiff is not required to pay an initial partial filing fee; however,  
9 whenever his prison account exceeds \$10, he is required to make monthly payments in the  
10 amount of 20 percent of the preceding month's income credited to his account until the full \$350  
11 filing fee is paid. This is required even if the action is dismissed, or is otherwise unsuccessful.  
12 The Clerk of the Court is directed to **SEND** a copy of this order adopting and accepting the  
13 Report and Recommendation to the attention of **Chief of Inmate Services for the Elko County**  
14 **Jail**, 775 West Silver Street, Elko NV 89801.  
15  
16

17 **IT IS FURTHER ORDERED** that the Clerk of the Court shall file the complaint (ECF  
18 No. 1-1).  
19

20 **IT IS FURTHER ORDERED** that this action is **DISMISSED WITH PREJUDICE** for  
21 failure to state a claim.

22 **IT IS SO ORDERED.**  
23

24 Dated: November 8, 2023.  
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26   
27 ROBERT C. JONES  
28 United States District Judge